

IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF NORTH CAROLINA
CHARLOTTE DIVISION
3:07-CR-00144-RJC

USA

v.

NILES M. BELK (2)

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ORDER

THIS MATTER comes before the Court upon the defendant's motion for indicative ruling pursuant to Rule 37 of the Federal Rules of Criminal Procedure. (Doc. No. 154).

The defendant previously filed a motion for compassionate release pursuant to 18 U.S.C. §3582(c)(1)(A), which is pending before this Court. (Doc. No. 140). The defendant also has appealed the denial of his motion to vacate pursuant to 28 U.S.C. § 2255, which is pending before the United States Court of Appeals for the Fourth Circuit. (Case No. 3:16-cv-342, Doc. No. 27). However, Rule 37 is inapplicable because that appeal does not divest this Court of authority to consider the unrelated request for compassionate release.

IT IS, THEREFORE, ORDERED that the defendant's motion for indicative ruling, (Doc. No. 154), is **DENIED**.

Signed: March 10, 2021



Robert J. Conrad, Jr.
United States District Judge

